

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**GALDERMA LABORATORIES, L.P., GALDERMA
S.A., GALDERMA SKIN HEALTH S.A.,**
Plaintiffs-Appellants

v.

TEVA PHARMACEUTICALS USA, INC.,
Defendant-Cross-Appellant

2019-2396, 2020-1213

Appeals from the United States District Court for the
District of Delaware in No. 1:17-cv-01783-RGA, Judge
Richard G. Andrews.

ON MOTION

Before MOORE, O'MALLEY, and STOLL, *Circuit Judges*.
O'MALLEY, *Circuit Judge*.

O R D E R

Teva Pharmaceuticals USA, Inc. moves to dissolve or
stay, pending appeal, the district court's injunction
against the sale of Teva's product. Galderma Laborato-
ries L.P. et al. oppose.

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INC

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to issue a stay pending appeal. The court's determination is governed by four factors: (1) whether the movant has made a strong showing of likelihood of success on the merits; (2) whether the movant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009). Without prejudicing the ultimate disposition of this case, we conclude that Teva has established that a stay pending appeal is warranted under these factors.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The district court's injunction is stayed pending further order of this court.

(2) Galderma's reply brief and the joint appendix must be submitted electronically no later than January 13, 2019.

(3) Oral argument has been removed from the March 2020 calendar. Oral argument will be scheduled prior to March, but only if the panel deems it necessary.

FOR THE COURT

December 12, 2019
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court